# U.S. Judge Sets Rap Brown Trial in Orleans Jan. 18

## Kunstler Argues Motion for Dismissal

Federal District Judge Alvin B. Rubin Wednesday set a Jan. 18 trial date for black militant H. Rap Brown, who is charged with intimidating an agent of the Federal Bureau of Investigation.

The date was decided during a hearing in Judge Rubin's court in which Brown's attorney, William M. Kunstler, argued a motion to dismiss the indictment or, as an alternative, to grant an indefinite adjournment of the trial.

Kunstler maintained that his client has been in hiding for the past few weeks and is fearful for his life. The attorney said he did not know where Brown is at present.

Judge Rubin granted government attorneys a delay until July 23 at 9 a.m. to answer Kunstler's motion since the defense motion and briefs had not been received in time to prepare arguments. The date was also set to hear a government motion to forfeit the $15,000 bond of the missing Brown.

### 1968 CHARGES

The charges of intimidating an FBI agent grew out of an incident which allegedly took place between Brown and a Negro agent on Feb. 21, 1968, when Brown was appearing before Federal District Judge Lansing L. Mitchell on a charge that he violated terms of bail imposed when he was released on a charge of transporting a firearm across state lines while under indictment for arson in Maryland.

Brown was convicted on the gun charge, given a five-year prison term and fined $2,000 by Judge Mitchell.

Brown has been missing since March. His wife said she last saw him March 8 when he left their New York home to go to a hearing in Maryland connected with the arson case. Two of Brown's friends died in a car explosion as that case was due to open.

Kunstler, in arguing his motion before Judge Rubin, said the deaths of these two persons led Brown to go in hiding "underground," fearing for his life. In asking for an indefinite postponement as an alternative to his dismissal motion, Kunstler said Brown's trial should be delayed until the present "violence" in America subsides, assuring Brown's safety in the courtroom.

"He will not appear until he thinks he's safe," Kunstler stated to the court.

### TWO DATES

Judge Rubin replied that he does not continue cases "indefinitely," maintaining that any disruptions must be dealt with once the trial starts. He then suggested two trial dates, the week of Oct. 19 and the Jan. 18 date.

JUNE 4, 1970

Kunstler said he preferred the later date, while U.S. assistant attorney Julian Murray, representing the government, said he preferred a much earlier date. Judge Rubin then officially set the January date.

Following the hearing in Judge Rubin's court, Kuntsler told the press that he intends to subpoena FBI Director J. Edgar Hoover because of the recent FBI move placing Brown on its list of most wanted criminals.

Kunstler said Brown's inclusion on the list made him an easy target for "trigger-happy cops."

The federal charge against Brown, he said, was strictly "political persecution."

Kunstler was accompanied to the courtroom by Etta May Hearn, a Baton Rouge attorney who also represents Brown.